



# PUBLIC NOTICE

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DA 10-1359

Released: July 23, 2010

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF  
BRESNAN COMMUNICATIONS, LLC LICENSEES TO  
WILLIAM J. BRESNAN REVOCABLE TRUST**

**STREAMLINED PLEADING CYCLE ESTABLISHED**

**WC Docket No. 10-138**

**Comments Due: August 6, 2010**

**Reply Comments Due: August 13, 2010**

On July 6, 2010, Mr. William J. Bresnan (deceased), William J. Bresnan Revocable Trust (Trust), Bresnan Communications, Inc. (BCI), Bresnan Broadband Holdings, LLC (Bresnan Holdings), Bresnan Communications, LLC (Bresnan Communications), Bresnan Digital Services, LLC (BDS) and its local exchange carrier (LEC) subsidiaries, Bresnan Broadband of Colorado, LLC, Bresnan Broadband of Montana, LLC, Bresnan Broadband of Wyoming, LLC, and Bresnan Broadband of Utah, LLC (collectively, Bresnan LEC Licensees and, all together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules<sup>1</sup> to transfer control of the Bresnan LEC Licensees to the Trust. Applicants closed this transaction without authority in October 2009.<sup>2</sup>

BDS, which does not offer domestic telecommunications services, is wholly owned by Bresnan Communications, a cable operator. Bresnan Communications is in turn wholly owned by Bresnan Holdings, which is managed by BCI. All entities are U.S.-based. The Bresnan LEC Licensees provide competitive wholesale local exchange and exchange access services in Colorado, Montana, Wyoming, and Utah. Prior to his death on November 29, 2009, Mr. Bresnan owned directly 100 percent of BCI and served as its sole director. Pursuant to a management agreement between BCI and Bresnan Holdings, Mr. Bresnan, through BCI, exercised control over Bresnan Holdings and all of its subsidiaries including the

<sup>1</sup> 47 C.F.R. § 63.03; see 47 U.S.C. § 214. Applicants are also filing applications for a transfer of control associated with authorization for media, international, and wireless services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. Applicants filed supplements to their domestic section 214 application on July 21 and 23, 2010.

<sup>2</sup> Applicants also filed a request for special temporary authority (STA) to allow the Bresnan LEC Licensees to continue to provide service to customers under existing ownership while the section 214 application is pending. On July 21, 2010, the Wireline Competition Bureau granted the STA for the domestic authorization for a period of 60 days. A grant of the application will be without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules. Letter from Michael C. Sloan and Danielle Frappier, Counsel, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-138 (filed July 15, 2010).

Bresnan LEC Licensees.<sup>3</sup> Applicants state that, in October 2009, as part of estate preparations prior to his death, Mr. Bresnan transferred his ownership interest in BCI to the Trust, a Connecticut entity. They state that, as a result of his death, direct control over BCI, and as a result, management control over the Bresnan LEC Licensees, transferred from Mr. Bresnan to the Trust. The co-trustees of the Trust are Mr. Jeffrey S. DeMond, a U.S. citizen and the Chief Executive Officer and President of BCI, and J.P. Morgan Chase Bank, N.A., a U.S. entity. Applicants further state that the Trust does not have an ownership interest in any other telecommunications entity. They assert that the previously consummated transaction is entitled to presumptive streamlined treatment under section 63.03(b)(1)(ii) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.<sup>4</sup>

Domestic Section 214 Application Filed for the Transfer of Control of  
Bresnan Communications, LLC Licensees to William J. Bresnan Revocable Trust, WC  
Docket No. 10-138 (filed July 6, 2010).

### **GENERAL INFORMATION**

The Wireline Competition Bureau finds, upon initial review, that the transfer of control identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before August 6, 2010**, and reply comments **on or before August 13, 2010**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31<sup>st</sup> day after the date of this notice.<sup>5</sup> Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. See 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov) and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

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<sup>3</sup> Applicants state that the 10 percent or greater interest holders in Bresnan Holdings are the following U.S.-based entities: Providence Equity Partners IV LP (42.47 percent), Quadrangle Access Capital Partners, LP (10.5 percent), Comcast of Montana I, LLC, a subsidiary of Comcast Corporation (12.75 percent). There are also other smaller interest holders.

<sup>4</sup> 47 C.F.R. § 63.03(b)(1)(ii).

<sup>5</sup> Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

**In addition, e-mail one copy of each pleading to each of the following:**

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Tracey Wilson-Parker, Competition Policy Division, Wireline Competition Bureau, [tracey.wilson-parker@fcc.gov](mailto:tracey.wilson-parker@fcc.gov);
- 3) Jodie May, Competition Policy Division, Wireline Competition Bureau, [jodie.may@fcc.gov](mailto:jodie.may@fcc.gov);
- 4) David Krech, Policy Division, International Bureau, [david.krech@fcc.gov](mailto:david.krech@fcc.gov); and
- 5) Jim Bird, Office of General Counsel, [jim.bird@fcc.gov](mailto:jim.bird@fcc.gov).

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com); url: [www.bcpiweb.com](http://www.bcpiweb.com).

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For further information, please contact Tracey Wilson-Parker at (202) 418-1394 or Jodie May at (202) 418-0913.

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